

REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
City of Parañaque
8th Council

ORDINANCE NO. 2020-03
Series of 2020

INTRODUCED BY: VICE MAYOR JOSE ENRICO T. GOLEZ

PROPOSERS:

COUN. VIKTOR ERIKO M. SOTTO
COUN. MERLIE S. ANTIPUESTO
COUN. DANIEL ERIC M. BAES
COUN. EDWIN R. BENZON
COUN. JACQUELINE BUSTAMANTE-MENDOZA
COUN. MARITRESS B. DE ASIS
COUN. GIOVANNI E. ESPLANA
COUN. VINCENT KENNETH M. FAVIS
COUN. PABLO C. GABRIEL, JR.
COUN. VANDOLF L. QUIZON
COUN. MARVIN A. SANTOS
COUN. ALLEN FORD L. TAN
COUN. JOAN A. VILLAFUERTE
COUN. JOSE MARIA G. YLLANA
COUN. REGINA P. YLLANA
LIGA PRES. CHRISTOPHER V. AGUILAR
SK PRES HANNAH M. FLORENCEDIA

AN ORDINANCE IMPOSING CURFEW DURING TIMES OF NATIONAL OR LOCAL PUBLIC ORDER AND SAFETY OR HEALTH EMERGENCIES THEREBY AMENDING FOR ITS PURPOSE ORDINANCE NO. 99-12 AND PRESCRIBING GUIDELINES FOR ITS IMPLEMENTATION THEREFOR

WHEREAS, the President of the Republic of the Philippines has placed the country under State of Public Health Emergency through Proclamation No. 922. Consequently, the Inter Agency Task Force on Emerging Infectious Diseases raised the Alert level code of Covid-19 of the country from Level 1 to Code Red Sub-level 2;

WHEREAS, the IATFEID recommended the imposition of a community quarantine measure in the National Capital Region and the observance of measures to stop and contain the spread of the infectious and communicable virus, including the steps to be undertaken by the national and local government units;

WHEREAS, the Metropolitan Manila Development Authority, thru the Metro Manila Council, in a meeting held on March 14, 2020 and composed by Mayors of the National Capital Region, approved a Resolution titled URGING ALL LOCAL LEGISLATIVE COUNCILS OF THE NATIONAL CAPITAL REGION TO ISSUE AN ORDINANCE DECLARING A CITY/MUNICIPALITY-WIDE CURFEW IN THEIR LOCALITIES DUE TO THE NOVEL CORONA VIRUS (COVID-19). Said resolution is intended to urge local legislative bodies to approve ordinances pertaining to curfew in order to comply with the strict measures on social distancing and community quarantine as provided by the IATFEID Resolution;

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WHEREAS, there is a need to amend and update the current and existing ordinance pertaining to curfew in order for the city government to cope with urgent, extraordinary and challenging times, which not only our city but the entire country is experiencing caused by Covid-19. The amendment to the present curfew ordinance shall provide for the measures defining the persons who are subject to curfew, and when and where the city may prohibit unnecessary human activities during times of national and local health or public order and safety emergencies.

NOW, THEREFORE:

BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Panlungsod in session assembled that:

Section 1. Section 1 of Ordinance No. 99-12 is hereby amended to further read as follows:

"Section 1. COVERAGE – curfew is being imposed on or for every person, not engaged into legitimate official private or public business, between 8 pm to 5 am of the following day during State of Calamities or Emergencies, as declared by national or local authorities, brought by public order and safety or health concerns affecting the country, region or the city, and within that period of time are prohibited to congregate, loiter, wander, travel or be in the streets, plazas, roads and such other similar public places areas, including uninhabited places within the territorial jurisdiction of the City of Parañaque.

However, during normal times or at times where no public declaration of calamity or emergency is in effect within the city, curfew for minors, aged below eighteen (18) years old, between 10 pm to 4am of the following day, and are prohibited to congregate, loiter, wander or be in the streets, plazas, roads and such other similar public places areas, including uninhabited places within the territorial jurisdiction of the City of Parañaque

Section 2. Section 2 of Ordinance No. 99-12 is hereby amended to further read as follows:

"Section 2. EXEMPTIONS – The following are exempted from the curfew provided Section 1 hereof, namely:

- 1.) *Those who are engaged in legitimate official private activity, which shall be limited to medical or hospital related endeavors, filing of complaint or report at the barangay or police authorities, purchase of food or perishable goods and such other basic necessities from stores or groceries, business, occupation, livelihood or labor;*
- 2.) *Those who are gainfully employed in industries which require the rendering of work under shifting hours, such as night shift or graveyard shift supported by company ID card with Certificate of Employment stating shifting hours;*
- 3.) *Those who are engaged in legitimate official public duties;*
- 4.) *Students who came from their schools and are on their way to their respective residences;*

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- 5.) Minors who are accompanied by their parents or guardians on their way home on situations mentioned in Section 1 par. 2 of this ordinance;
- 6.) Those who came from travel, local or international and are on their way to their respective residences; and
- 7.) Those who are engaged in the profession of their religious or sectoral practices, masses, prayer meetings and the likes.

It shall be understood that in all situations as herein above-provided, proper identification cards, duly issued by the government or the school, whichever is applicable, shall be required to be presented.

Section 3. Section 4 of Ordinance No. 99-12 is hereby amended to further read as follows:

"SECTION 4. ENFORCEMENT – The imposition of curfew, during State of Calamities or Emergencies, or during normal city condition shall be enforced by the City Curfew Task Force, Punong Barangay and or his/her duly authorized tanod and executive officers, including the Sangguniang Barangay Members, SK Chairperson and SK Members who are on official duty and exercising his/her duty as peace officers in the maintenance of public order and safety, members of the Parañaque City Police Station (PS3-SPD), the District, Regional and National elements of the Philippine National Police. In enforcing this ordinance the person/s subject to curfew shall be prevented from travelling, wandering, loitering or congregating, or from continuing such activity if the said person/s had been caught *in flagrante delicto*, in public places and directed to return to their respective residences, dwelling or usual place of resting.

The public officer enforcing this ordinance shall observe the following procedures:

- 1.) Present his/her official identification card, introduce his/her name, position or designation, unit or office where he or she is connected with;
- 2.) Explain the nature and the mandate of the ordinance, state the nature of prevention or prohibition from travelling, wandering, loitering or congregating in public places as a precautionary measure in view of a State of Calamity or Emergency, and a measure to promote and protect the life, health and safety of every person;
- 3.) Allow the subject person/s to explain or air his/her response on the reason of his/her/their activity or business during the curfew period;
- 4.) The public officer shall examine whether or not the explanation of the subject person/s is reasonable or falls within the exemptions as stated in Section 2 hereof;

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5.) In case of deliberate or willful refusal to comply with the lawful order of the public officer/s, upon the reiteration of the public officer enforcing the curfew following his/her examination that the subject person/s does not fall under the exemptions specified in this ordinance, the refusing person/s shall be arrested and charged accordingly for the commission of the crime of Disobedience to Persons in Authority as defined and treated under Article 151 of the Revised Penal Code. This is without prejudice to the filing of such other applicable crime/s under the Revised Penal Code in case such refusal or failure to comply with the lawful order in enforcing this ordinance shall result to assault upon person or his agents. In arresting the subject person/s the public officer/s making the arrest shall state the nature of the crime committed and apprised of his Constitutional right to remain silent and right to counsel."

By virtue of this provision, a **CITY CURFEW TASK FORCE** is hereby created which shall be the primary implementing agency of this ordinance and shall be composed of the following:

- a. City Mayor as Task Force Head;
- b. City Administrator as member;
- c. Chief of Police, Parañaque City Police Station as member;
- d. Punong Barangays of the component barangays of the city as members; and
- e. City Councilor, Chairman of the Committee on Public Order and Safety as member.

Nothing herein shall deprive the City Mayor and the Punong Barangays of their statutory mandate to enforce all laws and ordinances within their respective territorial jurisdictions but to be interpreted as to instill coordination among law enforcers and efficiency in the implementation of the ordinance.

Section 4. Nothing in this ordinance shall be construed or interpreted to deprive any person of his right to liberty, travel and abode but rather to be interpreted as to instill and promote public health and safety, and protect the life among all equals during times of extraordinary situation, calamities and emergencies as publicly issued or declared by the duly constituted national or local authorities.

It shall also be interpreted that this ordinance promotes and protects the safety, welfare and life of the youth against potential evils of the society, community and crime.

Section 5. Section 5 of Ordinance No. 99-12 is hereby amended to further read as follows:

"Section 5. DISSEMINATION – the approved copies of this ordinance shall be posted in the bulletin board at the entrance of the City Hall Main Building, bulletin board of the Sangguniang Panlungsod, bulletin boards of the component barangays of the City of Parañaque, in

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all police precincts/detachments/sub-precincts, and the Headquarters of the Parañaque City Police Station."

Section 6. Sections 3 and 6 of Ordinance No. 99-12 are hereby suspended without prejudice in compliance with Republic Act No. 9344.

Section 7. The amended and updated copy of this approved ordinance shall be printed and appended hereto as *Appendix "A"* and shall be furnished to all Punong Barangays, the Chief of Police of the Parañaque Police Station, the District Director of the Southern Police District, and the Regional Director of the National Capital Region Police Office.

Section 8. The curfew imposed under Section 1 par. 1 following the declaration or issuance of a State of Calamity or Emergency by the national or local authority shall be *ipso facto* suspended upon the withdrawal or public declaration by the City Mayor or by the Sangguniang Panlungsod that such calamity or emergency shall have ceased.

Section 9. Ordinance No. 99-12 is hereby amended insofar as the title shall be read, as follows:

"AN ORDINANCE IMPOSING CURFEW WITHIN THE TERRITORIAL JURISDICTION OF PARAÑAQUE AND PRESCRIBING THE GUIDELINES FOR ITS ENFORCEMENT AND FOR OTHER PURPOSES"

Section 10. Section 7 of Ordinance No. 99-12 is hereby amended to further read as follows:

"REPEALING AND SEPARABILITY CLAUSE – All ordinances and issuances which are inconsistent hereto are hereby repealed. Should any provision of this ordinance be declared unconstitutional or inconsistent with law, the other remaining part/s hereof shall remain valid and in force and effect."

Section 11. This ordinance shall take effect immediately following its approval.

ENACTED this 15th day of March 2020 at the City of Parañaque.

CERTIFIED TRUE AND CORRECT:

JOSE ENRICO T. GOLEZ
City Vice Mayor

APPROVED BY:

EDWIN L. OLIVAREZ
City Mayor

INTRODUCED BY:

JOSE ENRICO T. GOLEZ
City Vice Mayor

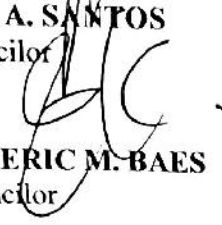
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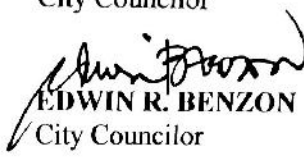
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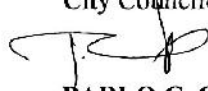

MARVIN A. SANTOS
City Councilor


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City Councilor

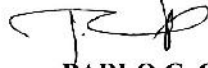

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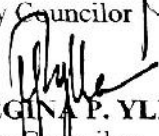

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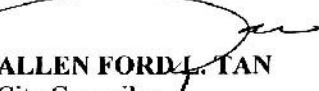

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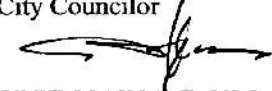

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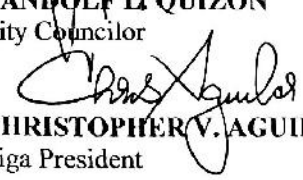

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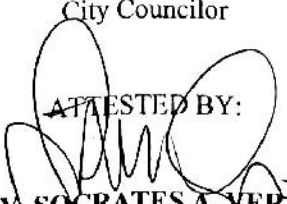

VINCENT KENNETH M. FAVIS
City Councilor


CHRISTOPHER V. AGUILAR
Liga President

HANNAH M. FLORENCONDIA
SK President

CONCURRED BY:

(Sick Leave)
ELEAZER M. DIOKNO
City Councilor


ATTY. SOCRATES A. VERAYO
City Council Secretary